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B E T W E E N

The Right Hon. Sir RICHARD WORSLEY, Bart.
Comptroller of his Majesty's Household, Governor of the *Isle*
of Wight, Member of Parliament for *Newport* in that
Island, &c. &c. Plaintiff,

A N D

GEORGE MAURICE BISSET, Esq. Defendant,

F O R

Criminal Conversation

W I T H

The PLAINTIFF's WIFE ;

Before the Rt. Hon. WILLIAM, EARL of MANSFIELD,
and a Special Jury, in His Majesty's Court of *King's-*
Bench, Westminster-Hall,

On THURSDAY the 21st of FEBRUARY, 1782.

Taken in Short Hand, by ROBERT PYE DONKIN.

THE FIFTH EDITION.

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In the KING's BENCH, Westminster-Hall,

On Thursday, February 21, 1782,

Before the Rt. H. WILLIAM, EARL of MANSFIELD,
and the following Special Jury.

BARRINGTON BUGGIN, of Harper-street, Esq.
JAMES ANDERSON, of Conduit-street, Esq.
RICHARD GILDART, of Southampton-street, Esq.
HENRY BUSBY, of Charlotte-street, Esq.
GEORGE WHEATLEY, of Southampton-row, Esq.
MARMADUKE LANGDALE, of the same, Esq.
JOHN HALL, of East Castle-street, Esq.
HENRY KITCHIN, of Berner's-street, Esq.
GILBERT PARKE, of Kentish Town, Esq.
JONATHAN HELE, of Charlotte-street, Esq.
JOHN ATKINS, of Hatton-street, Esq.
JOSEPH HUGHES, of the same, Esq.

The Right Hon. Sir RICHARD WORSLEY, Bart.
Comptroller of his Majesty's Household, Governor of the Isle
of *Wight*, Member of Parliament for the Borough of
Newport in that Isle, Colonel of the South Battalion of the
Hampshire Militia, F. R. S. and A. S. Plaintiff;

A N D

GEORGE MAURICE BISSET, Esq; otherwise MAU-
RICE BISSET, Esq; Defendant.

THE Declaration stated, that the Defend-
ant, on the 19th day of November, 1781,
and on divers other days and times, between
that day and the 24th of the same month, at
Westminster, in the county of Middlesex, with

force and arms, made an assault on Seymour, the Wife of the Plaintiff, and then and there debauched, deflowered, lay with, and carnally knew her, the said Seymour, to the Plaintiff's damage of 20,000l.

To this declaration the Defendant pleaded not guilty, and thereupon issue was joined.

Counsel for the Plaintiff.

Mr. ATTORNEY GENERAL,
Mr. LEE,
Mr. DUNNING.
Mr. ERSKINE.

Counsel for the Defendant.

Mr. BEARCROFT,
Mr. HOWORTH,
Mr. PECHELL.

ON the opening of Mr. Attorney General, it appeared that the Plaintiff lives at Apuldurcomb, in the Isle of Wight, and that he is worth about 5000l. a year; that Lady Worsley is the Daughter of Sir John Fleming, who is dead, and with whom Sir Richard had a fortune of about 70,000l. or upwards; that her Mother was married to Mr. Lascelles, of Yorkshire, and her Sister to Lord Harrington. The Plaintiff and she were married on the 15th of September, 1775; and they have issue of the marriage two children, a son and a daughter; the first, born within a year or two after their marriage; and the latter, in August last.

That the Defendant was an officer in the Hampshire militia, of which the Plaintiff is Colonel, and that he had only been acquainted with him from the end of February, or the beginning of March, 1781; that their acquaintance commenced in consequence of a burgage-tenure Mr. Bisset was possessed of in the

Isle of Wight, which, added to an estate worth about 800l. a year in Somersetshire, makes his income about 1500l. a year, and which Sir Richard, for parliamentary convenience, wanted to purchase; that, in consequence of letters having passed between them on that occasion, their first personal interview was by the means of Mr. Clarke, the receiver of Mr. Bisset's rents; and that, soon after their acquaintance, Sir Richard gave him a commission in his regiment.

The greatest intimacy subsisted between them; the Plaintiff had a house at Maidstone, in Kent, where the Defendant used to visit whilst in camp at Coxheath. When the camp broke up, they came to Lewes, where Sir Richard had a house, and Mr. Bisset lodgings; and the firmest attachment subsisted between them, till the unhappy event took place, which is the subject of this action.

EVIDENCE for the PLAINTIFF.

The marriage of the 15th September, 1775,
admitted.

Captain LEVERSA GE sworn.

Examined by Mr. DUNNING.

Q. You, I believe, Mr. Leversage, are an Officer in the Hampshire militia?—Yes, Sir.

Q. Do you remember Captain Bisset?—Yes, Sir; I do.

Q. I believe he had a commission in the same regiment?—Yes, Sir.

Q. Do you remember Sir Richard Worsley being at Coxheath; and do you recollect Captain Bisset being there?—I do.

Q. Do you recollect what time?—I believe it was in June or July.

Q. What year?—In the year 1781.

Q. Had you any previous acquaintance with Captain Bisset?—None, Sir.

Q. Then that was your first knowledge of him?—My first knowledge of him was at High Wickam. I saw him on the parade there.

Q. Had you any opportunities of knowing, whether Captain Bisset had, or had not, a great friendship with Sir Richard Worsley and his family?—It always appeared so to me.

Q. Do you remember their coming to Lewes at the breaking up of the camp?—Yes, Lewes was the place of the head-quarters.

Q. I take it for granted he was a man of fashion, and kept company?—Yes, Sir.

Q. In

Q. In the course of the summer, was he ever at Sir Richard's house at Maidstone?—Yes, Sir.

Q. During the time Captain Bisset was in his winter quarters, I presume he had lodgings?—Yes; he had lodgings in Lewes.

Q. And Sir Richard Worsley had a house there?—Yes, Sir.

Q. Did you observe them frequently together; and do you recollect him and Lady Worsley being together at a party which met at your house?—I recollect that perfectly well.

Q. Be so good as to tell us the date?—On Sunday the 18th of November, they drank tea, and supped at my house.

Q. Upon whose invitation?—Mine, and the family's.

Q. It was a general invitation, I suppose?—Yes; Married Ladies were invited, as well as their Husbands.

Q. Do you recollect whether Sir Richard Worsley came in consequence of that invitation?—He did not come. About ten o'clock in the evening, he sent an apology by Captain Worsley, that he was not very well, and begged to be excused; he could not wait upon us that evening; he was was taking some sack-whey.

Q. Did Lady Worsley come?—Lady Worsley came about seven o'clock in the evening, at tea time.

Q. Did you observe any thing particular in the course of the evening?—I cannot say I did.

Q. Do you recollect who gave the first intimation for the company to depart?—Lady Worsley was for breaking up very early: she made

made the motion between twelve and one o'clock. Mrs. Leverfage was afraid she did not like her company, by her wanting to break up so soon, and wished her to stay a little longer. She sat down again; and, to the best of my recollection, Captain Bisset looked at his watch, and said, Don't go yet. She sat down again, and staid till near a quarter after one.

Q. What became of Lady Worsley after that?---I rang the bell for a servant to light them home; but none coming, I took a candle, and opened the door myself, intending to light them home, as Sir Richard Worsley's house was nearly opposite. I went as far as within a few yards of Sir Richard's door, and then Captain Bisset desired I would not trouble myself to go any further, so I wished them a good night, and returned to my house.

Q. They took their leave then in the manner you have stated?---Yes, Sir.

Q. And you saw no more of them?---No, I saw no more of them.

Q. When did you next see, or hear of them? ---Between four and five o'clock in the morning, I heard a violent rapping at the door. I immediately got up and went to the window to see who it was; and I found it was one of Sir Richard Worsley's servants: he came with Sir Richard Worsley's compliments to desire Lady Worsley would come home. I told him that Lady Worsley was not at my house, and that I had not seen her since one o'clock.---About a quarter of an hour, or ten minutes after I heard another knocking at the door. I went to the window, and found it was Sir Richard Worsley

Worsley himself; he says, Leverage, where is Lady Worsley?—

Mr. Attorney General. Did you go to Chapman's, to make any enquiry there?—No: he desired to be let in, and I came down and let him in.

Q. Do you know any thing more of this transaction?—No, I do not.

Q. Do you know Captain Bissett's hand-writing?—I do not.

Cross-Examination, by Mr. BEARCROFT.

Q. When did your acquaintance first commence with Captain Bissett?—I do not know justly; I believe it was at High Wickham, before he joined the regiment.

Q. You have lived in habits of great intimacy and friendship?—Not very great.

Mr. S A D L E R sworn.

Proves the hand-writing of Mr. Bissett in two letters; the first of which shewed the friendship and attachment which subsisted between the Plaintiff and the Defendant. In this letter the Defendant congratulated Sir Richard on Lady Worsley's safe delivery of her daughter, and concluded by saying he was much concerned for her health and happiness, and that he wished for nothing so much as her return to quarters; and the last, dated the morning of the elopement, inclosing his commission, which he begged of Sir Richard to accept, and that he

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would

would expect his answer at Lord Deerhurst's, Cleveland-row, London.

FRANCIS GODFREY *sworn.*

Examined by Mr. PECELL, for Mr. ERSKINE.

Q. You was a servant of Sir Richard Worsley's in November last?—Yes, Sir.

Q. Do you remember Lady Worsley's going out on Sunday the 18th of November in the afternoon?—Yes, Sir.

Q. Did she leave any message with you, or give any particular directions?—She told me, if any body came to enquire after her, to tell them that she should not sup at home that night.

Q. Did you sit up that night?—Yes, Sir.

Q. To what time did you sit up?—Till between four and five or six o'clock.

Q. Did Sir Richard call to you at any, and what time?—Yes, Sir; I think it was near five o'clock.

Q. Did he send you to Mr. Leverage's to enquire for Lady Worsley?—Yes, Sir.

Q. What was the answer you got?—After repeated enquiry, that Lady Worsley had left the house in company with Captain Bissett about one o'clock.

Mr. Howarth. How long had you lived with Sir Richard Worsley?—I had lived with him but one day.

Mr. Peckell. How did Sir Richard Worsley appear? very much agitated?—Yes, Sir.

Mr.

Mr. S T U B B S *sworn.*

Examined by Mr. LEE.

Q. Do you recollect Mr. Bissett's coming home to his lodgings at your house?—I don't remember his coming home.

Q. Do you recollect any particulars of hearing or speaking to him, or seeing him in the house?—About half past three, or near four, he knocked at my chamber door. I called to know who was there, and Mr. Bissett asked me to let him light a candle. I got up and went to the door, and he lit his candle at my door.

Q. Had you any opportunity of knowing whether Mr. Bissett was at that time alone, or whether he had any company with him?—I don't know that: when he lit his candle, he was in his bed gown, or morning gown; and when he had lit his candle, he went to his own room again. Some little time afterwards he came out, and called Connolly, and desired him to go down stairs: and in a very little time afterwards, (I don't know how long, it might be about ten minutes afterwards) Mr. Bissett called to the man again; and then I think Connolly, or somebody else, went out of the door. In about ten minutes, or a quarter of an hour after that, I heard a noise in Mr. Bissett's room, of throwing up the sash. I got out of bed, and went to his room to see if he wanted any thing. I rapped at the door, and asked him if he wanted any assistance: Are not

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you well? says I; shall I call the maid? He said, No. I did call the maid; and then I went to bed again. Presently, the person who went out, whoever it was, came in again; and soon after that there was a chaise came to the door; it did not stop at the door, but went further on to turn about: and some little time after, I heard him and somebody else go down stairs; and then I heard the chaise drive off.

Mr. Attorney General. What o'clock might that be?—About a quarter before five; it was before it was light.

Lord Mansfield. This is nothing but travelling a long way about; why don't you come to the point, and bring them to London at once?

THOMAS BOURN *sworn.*

Examined by Mr. ATTORNEY GENERAL.

Q. You are a waiter at the Hôtel, in Pall-mall?—Yes, Sir.

Q. Do you remember any body coming there in a post-chaise, on Monday, the 19th of November last?—Yes, Sir.

Q. What time in the morning?—I can't ascertain the time.

Q. As near as you can guess?—It might be about two o'clock.

Q. What persons were in the chaise?—A Lady and a Gentleman.

Lord Mansfield. What Hôtel is it?—The Royal Hotel, in Pall-mall.

Q. Did

Q. Did you shew them to any room in the Hôtel?—I went to chaise door, and the Gentleman let the window down about half way. I went to open the door, and he pulled it up again. I flaid a-bit, and he let the window half way down again; and as I was opening the door, he threw it up again. Mr. Weston then came to the door, and the Gentleman and Lady got out; they went very fast into the house, and he shewed them up-stairs into a room called the Apollo, a large drawing-room; and they immediately ordered breakfast.

Q. What did they do after breakfast?—I carried breakfast up-stairs, and then I left them.

Q. Did they desire you to prepare any bedroom?—Yes, as near the dining-room as I possibly could; and I ordered a fire to be lit in No. 14.

Q. What happened next?—I don't recollect any thing more.

Q. When the bed was made, what did they do then?—They went to bed.

Lord Mansfield. How do you know they went to bed?—Because, my Lord, I went to take the things away, and they were gone out of the dining-room.

Q. You did not see them go into the bedroom?—No, my Lord.

Mr. Attorney General. After you had cleared away the things in the dining-room, I suppose you was called for as a waiter?—Yes, Sir.

Q. This was just before break of day, seven o'clock?—I can't ascertain the hour.

Q. You

Q. You saw the same Lady and Gentleman in the dining-room again?—Yes, Sir.

Q. Do you know whether any orders were given relative to the bed-room?—Not to me, there was not.

Q. How long did they stay there?—Four or five days.

Q. How did they pass?—As Man and Wife.

Q. Did you hear them say any thing to import that?—I took them to be Man and Wife; I did not know any thing to the contrary.

Q. Did you hear them mention one another in any shape, so as to take them to be Man and Wife?—No, I did not.

Lord Mansfield. Had they only one bed?—No, only one bed.

Q. How did you know of their lying together, if you never was in the room while they were in bed; and what induces you to think they lay in one bed?—Because there was no other bed in the room, my Lord.

ANN WATKINSON *sworn.*

Examined by Mr. LEE.

Q. Did you live at the Royal Hôtel in November last?—Yes, Sir.

Q. Did you live there in November last, when a Gentleman and Lady came to the *Apollo*?—Yes, Sir.

Q. In what capacity did you serve in the house?—As house-keeper.

Q. Do

Q. Do you know, after this Gentleman and Lady lodged at this house, where they slept?—Their dining-room was in the *Apollo*, and their bed-chamber in No. 14.

Q. Was that adjoining to the *Apollo*?—No, they do not join; it was very near it.

Q. Do you know whether they slept in that room, or where they slept?—I don't know whether they slept in that room; I imagine they did.

Q. What is your reason for imagining, or thinking they did?—Perhaps you mean a distinction of sleeping and lying in the room?—I did not see them sleep.

Q. Did you receive any orders about it?—I received orders to make the room ready, and I got the room ready.

Q. Had you an opportunity of seeing the bed afterwards?—Yes, Sir.

Q. Had any body been in it?—I saw that somebody had laid in the bed.

Q. How long did they continue there; one night, or two, or more?—They staid at our house about a week.

Q. Lying in that bed, and dining in the *Apollo*?—Yes, Sir.

Q. Pray, had you an opportunity of seeing how they behaved, to each other, or how they addressed each other?—I never heard them say any thing to each other.

Q. You carried in things that were wanted?—Yes, Sir.

Q. Do you mean into the bed-room, or into the dining-room?—I was in them both several times.

Q. While

Q. While they were up?—Yes, Sir.

Q. You never saw them in bed, did you?—
I believed them to be in bed.

Q. What was your reason for believing them to be in bed?—Because I heard them speak in bed.

Lord Mansfield. Do you know who they were?—Yes, my Lord: I did not know who they were when they came in; but I have heard who they were since.

Q. Did you know their persons?—I can't say I did; I have heard who they were since. When I went into the room, there was a Lady in the room; and she asked her name, and the Lady said her name was Worsley.

Q. She desired to know her name?—Yes, and she said her name was Lady Worsley.

Mrs. COMMANDE *sworn.*

Examined by Mr. ATTORNEY GENERAL.

Q. Did you live at the Hôtel in Pall-mall, in November last?—Yes, Sir.

Q. Do you recollect a Gentleman and Lady coming there in a post-chaise one morning?—
Yes, Sir.

Q. Do you recollect the day?—November the 19th.

Q. How long did they stay at your house?—
They staid there till the 24th.

Q. Did you know who their persons were?—
No.

Q. Have

Q. Have you since known who they were? —I have since known who they were; I found they were Mr. Bissett and Lady Worsley.

Q. In what way did they live there? Did they go by any name at all?—No name at all.

Q. How did they treat each other?—I can't say any thing of that.

Q. As Man and Wife, or expressions of that kind?—I don't know.

Q. Do you recollect Lady Worsley's name being mentioned in the room?—Yes, Sir.

Q. When was that?—The 24th, the morning they went away.

Q. How came that?—I introduced two persons, two of Sir Richard's servants, a woman and a groom, to Lady Worsley and Mr. Bissett, while they were in bed.

Q. How did they take this behaviour from you?—Why, Sir, in the evening Mr. Bissett sent for me into the dining-room, and desired to know the reason of shewing such persons up, as Sir Richard Worsley's groom, into Lady Worsley's bed-room; and said it was much against the house to use Ladies of Quality in that manner.

Q. What was their reason for going away: did they tell you?—No, Sir.

Q. Nor Lady Worsley?—No, Sir.

Q. Have you seen them in bed at any time? —Yes, Sir, at one o'clock in the morning.

Mr. H E R N E *sworn.*

Examined by Mr. LEE.

Q. Do you know the Defendant, Mr. Bisset?—No, Sir.

Q. Do you know of any estate he has?—Yes, Sir ; I am receiver of his rents.

Q. That is a better thing. Do you know what his fortune is, what is the value of his property in the Isle of Wight?—Somewhere about £800, or something more than £800 a year.

The End of the Evidence for the Plaintiff.

MR. BEARCROFT, in answer to this evidence, did not attempt to make any defence in controversion of the charge exhibited against the Defendant, but was very ready to admit, that the Plaintiff was intitled to a verdict. The only question which then remained, was upon the subject of damages; in mitigation of which only he would defend his client; and did not doubt to prove, to the satisfaction of the Jury, that Sir Richard not only acquiesced under repeated acts of his own dishonour with various persons, but even excited and encouraged it: On which

Lord *Mansfield* said, If a Plaintiff encourages, or is privy to, or consenting at all, or contributing to the debauchery of his Wife, or joins in it, he ought not to recover a verdict.

Mr. *Bearcroft* then stated, That he could not only prove this to be the fact, but that he should prove by the Affidavits of the Woman who attended the Bath at Maidstone, that the Plaintiff there had absolutely raised the Defendant upon his shoulders to view his naked Wife while bathing, and at the same time called to her, saying, SEYMOUR! SEYMOUR! *Bisset is looking at you*; and that she, on coming out after she had dressed herself, joined the Gentlemen; and they all went off together in a hearty laugh at the transaction which had passed. The Bathing-woman was ill, and could not attend the trial herself to give evidence of this fact; but that it had been agreed between the parties, that the Attornies on each side

should go down to the place for the purpose of taking the Affidavits, and in order to view the situation; which they had done, and which affidavits would be read.

That the Defendant could not possibly be the Father of the Child born in August last, as his first acquaintance with the Plaintiff commenced only in March; so that he had not bastardized the Plaintiff's issue.

He wondered why they had not called some persons belonging to, or about the family, in order to prove how the parties lived together; a circumstance very material in a case like this: They had only called one person belonging to the family; that was the Butler, who had lived in the house but one day, and who, of course, could not speak to that point.

That the licentious conduct of Lady Worsley was so notorious, that it had been the subject of common conversation; and that many Ladies of Distinction in the Isle of Wight and elsewhere had frequently remonstrated with Sir Richard on that subject, and told him, that if he did not attempt to restrain her conduct, her character would be ruined and destroyed; that the answer Sir Richard made was, that Lady Worsley liked it, and he chose to do it to oblige her; upon which a very sensible Lady, who had frequently remonstrated with him on the subject, replied, "If this is the case, God help you! you are the most contented ——— HUSBAND I ever knew:" and that from, the Lady's many prior connections, the idea of seduction by the present Defendant was totally done away.

EVIDENCE for the DEFENDANT.

MARY MARRIOT

Being unable to attend the Trial, the following Affidavits were read.

Mary Marriot deposed, that Lady Worsley used to come to the cold bath, near Maidstone, to bathe, and that she used to attend her; that Sir Richard and Mr. Bisset were generally with her; and that the last time she came, which was about noon, in September last, and at the latter end of the hop-season, Sir Richard Worsley and Mr. Bisset staid at the door without, while she bathed; that after she had bathed, she retired into a corner to put on her shift, as Ladies usually do after bathing, and then returned to dress herself, and sat herself down on the seat: that there is a window over the door of the building in which the bath is, and which is the only inlet for light into the bath, and from which any person, who is sitting down on the seat, may be seen, but not when retired into the corner; that when she had almost finished dressing herself, Sir Richard tapped at the door, and said, "Seymour! Seymour! Bisset is going to get up to look at you," or words to that effect; and, looking round, she saw his face at the window: that he continued there about five minutes; that she did not see the Plaintiff on the outside, but believes he must help the Defendant up;

up ; and that after Lady Worsley had dressed herself, she went out, and they were all merrily and laughing together : that, excepting this, she never saw any improper conduct or behaviour in the said three persons, unless what is above stated may be thought so.

In addition to this, there was another Affidavit read, in which she *believed* that Mr. Bisset could *not* have got up to the window, unless he had been assisted by Sir Richard, or stood upon his shoulders ; and that Sir Richard might easily have pulled him down if he pleased.

The Right Honourable Lord DEERHURST
sworn.

Examined by Mr. HOWARTH.

Q. In what year was your Lordship first acquainted with Lady Worsley?—In the year 1779.

Q. Had your Lordship an opportunity of observing her conduct in the course of that year?—I thought her conduct very dissolute, and that she was very unfaithful to her Husband.

Q. Had you occasion to know Sir Richard also?—Yes, Sir.

Q. Did she receive, during the time you knew him, any endeavour, or attempt, on his part, to check the dissoluteness of her conduct?—None.

Q. Does your Lordship remember being on a visit at the Isle of Wight, at Sir Richard's house?—I do.

Q. Has your Lordship any recollection of any particular expressions Sir Richard Worsley made use of, respecting his Wife, in addressing himself to you?—I hope I am not called to betray any private conversation?

Lord Mansfield. No.

Lord Deerburst. He did, then, say, That many young Men had tried her, to no effect; and that I had his permission to try my chance with her. But it was said jocosely, and I considered it in that light.

Q. Do

Q. Do you recollect what led to that conversation ---Lady Worsley's passing by the window, gave him an opportunity of making that remark.

Q. Have you any recollection of the beginning of it ?---I have not.

Q. The only recollection, then, that you have, was, that your Lordship might try your chance with her ?---I recollect that circumstance alone.

Lord Mansfield. 'That goes for nothing.

Q. How long did your Lordship continue in the Isle of Wight ?---To the best of my recollection, ten days.

Q. At his house ?---At his house.

Q. Do you remember whether Sir Richard Worsley had an opportunity at any time of observing the intimacy and attention your Lordship paid to Lady Worsley ?—and your Lordship will mention the particular time.—He found me in her dressing-room, adjacent to her bed-chamber, at four o'clock in the morning.

Q. How was Lady Worsley dressed at that time ?—I don't particularly recollect.

Q. In a dress, or undress ?—I don't remember ; I made no observation upon it. Sir Richard expressed his astonishment at finding me there at that hour.

Q. Do you recollect his expression ?—He said "Deerhurst ! how came you here ?" And after that I went to my bed-room.

Q. How long did your Lordship continue there,

there, after that?—To the best of my recollection, three or four days afterwards.

Q. Do you recollect whether, after that, you were permitted to attend Lady Worsley out upon parties?—I was.

Q. To what parts of the country?—I don't particularly remember.

Q. Do you remember going to Southampton?—Yes, Sir.

Q. Was that after?—Yes, Sir.

Q. Did you go alone with Lady Worsley, or did Sir Richard attend you?—I went alone.

Q. Did Sir Richard know of your going?—He did.

Q. I understand he came part of the way with you?—He went eight miles with us.

Q. Do you recollect what time of the year you went down to the Isle of Wight?—To the best of my recollection, the 2d of September.

Q. Where did your Lordship meet her afterwards?—I met her at Kingston, and afterwards at Godalmin, on her journey to Southampton.

Q. Was Lady Worsley travelling by herself, unattended; or was Sir Richard with her, or any other person?—Quite alone.

Q. Did you know of her intention of going?—Yes; I met her at Kingston, and afterwards at Godalmin.

Q. Did she sleep there?—Yes.

Q. Had your Lordship any particular intimacy

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macy with her that night ?—Be so kind as to put that question again.

Q. Was you particularly connected with her that night ?

Lord Deerburst. With your Lordship's permission, I decline that.

Lord Mansfield. Certainly—You have no right to be asked that.

Cross-Examination by Mr. ATTORNEY-GENERAL.

Q. On this journey to Southampton, you were then leaving Sir Richard's house ?—Yes, Sir.

Q. And at the time when Lady Worsley was going part of the road ?—Yes, Sir.

Q. Do you know the distance from Southampton, to Sir Richard's house ?—The distance from Cowes, is, I think, about thirteen miles.

Q. You proceeded to London ?—I did.

Q. Was you permitted to be of her parties ?—I know of no particular permission of Sir Richard's; he did not object to my going with Lady Worsley. Other Gentlemen were permitted to be of the same parties, Sir Richard not objecting.

Q. I should be glad to know whether your Lordship did not bring, or leave, a message from Sir Richard to Lady Worsley, at the Hôtel ?—I did.

Q. Did

Q. Did you receive any, and what answer?
—I did.

Q. Be so kind as to inform the Court what it was.—It was to tell Sir Richard, That it was in vain for him to attempt to recover Lady Worsley, as she was determined never to return to him again.

The Right Honourable Lord PETERBOROUGH sworn.

Examined by Mr. PECHELL.

Q. Pray, my Lord, what time did your acquaintance with Lady Worsley begin?—I don't exactly remember. It was at the time Ranelagh opened, in the year 1780, some time in spring.

Q. What was the occasion of your Lordship's first acquaintance with her?—I was first introduced to her at Sadler's Wells.

Q. By who?—By my Lord Deerhurst.

Q. At that time, had you any acquaintance with Sir Richard?—None, either then or after.

Q. Then, during the time of your acquaintance with Lady Worsley, you never spoke to him?—No.

Q. What was your Lordship's opinion of her general behaviour? Did it bear the appearance of an affectionate, constant Wife to Sir
D 2 Richard?

Richard?—I made no observations, as I never saw them together.

Q. Do you think she conducted herself as a decent, modest Wife?—I should rather think not.

BOUCHIER SMITH, *Esq. sworn.*

Examined by Mr. BEARCROFT.

Q. I believe you was acquainted with Lady Worsley?—I was.

Q. When?—In the year 1779.

Q. During time of your acquaintance with her, what was your general opinion of her character and behaviour?—I thought she did not conduct herself as a woman regarding her own fame.

Q. Was that her general character?—That is the character I have heard of her.

Q. At that time?---Yes, Sir.

Q. Do you remember, at any time, meeting Sir Richard, when you and his Lady were together? And do you remember any particular circumstance, on occasion of the Shooter's-hill party?---We met Sir Richard Worsley, in a phaëton; and Lady Worsley desired him several times to go with her; but he refused, and drove off towards town.

Q. Who were the parties?---Mr. Harvey, and Miss Vernon.

Q. Did

Q. Did he enquire where they were going ?
—Yes.

Q. And she asked him to go ?—Yes.

Q. Do you recollect any particular circumstance happening with regard to Lady Worsley's behaviour at that time ?—No, not on that day.

The Right Honourable the Marquis of GRAHAM sworn.

Examined by Mr. HOWARTH.

Q. When did your Lordship's first acquaintance commence with Lady Worsley ?—Three or four years ago.

Q. You was not at all acquainted with Sir Richard ?—Not at all.

Q. In your Lordship's acquaintance with Lady Worsley, did you frequently visit at Sir Richard's house ?—Not frequently, I believe ; sometimes I did.

Q. What were your Lordship's observations on Lady Worsley's general deportment and conduct, during the time you knew her ?—She was gay, lively, and free in her behaviour.

Q. Was her behaviour such as became a modest and married Woman ?—I think it was not.

Q. Was there any absolute impropriety in her conduct ?—There was no absolute impropriety in her conduct.

Q. Then

Q. Then your Lordship, during the time you knew her, had no reason to observe that there was any thing in her conduct improper or immodest?---Not immodest.

Q. You are speaking of her behaviour, and manner?---I am speaking of her conduct, as it fell within conversation.

Q. What was your Lordship's opinion, as to every circumstance which fell within your observation? Was it, that she was a modest, decent Married Woman?---That part which relates to myself, I have no business to answer.

Q. Whether your Lordship had not occasion to know of her ill state of her health, from the care and attention you may have paid to Lady Worsley?

Lord Mansfield. That is too general a question.

Mr. Howarth. I want to know the fact.

Lord Mansfield. It can't be. The answer implies it; or how is a man to know that?

Mr. CLARK *sworn.*

Examined by Mr. PECHELL.

Q. Be so kind as to give us an account of the time the acquaintance began between Sir Richard Worsley and the Defendant.—I believe the first personal interview was the latter end of the month of February, or the first or second week in March, in the year 1781.

Q. On what occasion did they first come together?—I was at Sir Richard Worsley's house, and I mentioned to him that I am concerned for Mr. Bissett. I am likewise concerned for Sir Richard; I mentioned to him that Mr. Bissett had lodgings in Lincoln's Inn. I knew some letters had passed between them respecting a Burgage-Tenure Mr. Bissett is possessed of in the Isle of Wight. Sir Richard desired me to go to him, as he was not known to him; and I went to him.

Q. This was not at all on the request of Mr. Bissett?—No.

Q. In consequence of that did you go to Mr. Bissett?—Yes, Sir.

Mr. Bearcroft. Was that the first personal interview?—Yes, Sir.

The Hon. CHARLES WYNDHAM, Esq.

sworn.

Examined by Mr. HOWARTH.

Q. When did your acquaintance first commence with Lady Worsley?—Between three and four years ago; before I went abroad.

Q. Was you of the number of Sir Richard Worsley's acquaintance?—Not at that time. Since that I have had a very slight acquaintance with him.

Q. During the time you was acquainted with her, was her behaviour such as became a decent, modest Woman?—No, Sir, I think not.

Q. Pray, Sir, do you remember, about the time of your going abroad, that any thing particular passed between you and Lady Worsley, respecting any particular favour you received in Kensington Gardens?—No.

Q. Do you remember any thing respecting a ring?—Yes, Sir.

Q. What was that?—My acquaintance ceased before I went abroad.

Q. What ring was it?—A gold ring.

Q. Was it her wedding ring?—How can I answer that?

Q. She took it off her finger, and made it a present to you?—Yes, Sir.

Doctor

Doctor O S B O R N E *sworn.*

Examined by Mr. BEARCROFT.

Q. Do you remember attending Lady Worsley at any time in the year 1780?—Very well.

Q. What time of the year?—About August, in the year 1780.

Q. Where was she?—In town, at Sir Richard's house.

Q. Give an account of the condition you found her in.—Between a Patient and Physician there is an implied secrecy; the nature of the case requires it: and that being the state of the case, I should hardly conceive myself at liberty to declare it; but I have the Lady's permission to give evidence of the truth.

Q. You was not employed by Sir Richard?—No.

Q. In what condition did you find her?—Lady Worsley had some complaints on her, which I fancy were the consequence of a Venereal Disorder.

Q. In what state did you find her?—I believe it was never known: at least I never was asked my idea of the disorder; nor did I think it necessary to mention it. My business was to cure her; and I do not chuse to talk upon the subject, one way or other.

Lord Mansfield. You might have told them, when they asked you, that you desired to be excused.

The End of the Evidence for the Defendant.

Mr. J. FARRER, *Attorney for the Plaintiff,*
sworn on behalf of the Plaintiff.

Examined by Mr. ATTORNEY-GENERAL.

Q. You went down to the Cold Bath mentioned in the Affidavit?—Yes, Sir.

Q. Did you see the place on which Mr. Bissett got to look into the Bath? And do you think he could do it without the assistance of Sir Richard?—I believe he might do it with a great deal of ease, and without assistance.

Q. What is the height?—It is about breast-high; there is an arm-chair on the outside; and when I was on the chair, I could raise myself up to the window very easily.

Q. How many feet high may it be?—About four feet.

Mr. Bearcroft. Where is the seat?—On the outside of the Bath.

Mr. ATTORNEY-GENERAL *made a short reply upon the subject of Damages; and having, in commenting on Lord DEERHURST's Evidence, mistook him in that part where his Lordship says he went to Southampton with Lady WORSLEY, he rose to explain it, and said, "That he remained at Southampton with her twenty-four hours, and then returned; and that she staid three or four days."*

LORD

LORD MANSFIELD.

GENTLEMEN of the JURY,

THERE arises upon this evidence a serious question for your consideration.—The nature of the action is such, that the Defendant cannot confess a Verdict, because this is between the Husband and Wife and the Adulterer; and further proceedings may be had: therefore the Verdict you give must be out of the truth and justice of the case, and the justice of the Evidence.

Now, the single question is, Whether Sir Richard has not been privy to the prostitution of his Wife, assenting to, encouraging and exciting even this Defendant? And, if he is so, upon your opinion of the Evidence, he ought *not* to recover in this Action—If he is not, why then the only question that remains, is upon the subject of Damages; upon which I will not say a word to you. You are the best judges of that.

This Woman, for three or four years, has been prostituted with a variety of people; that is extremely clear. A stronger instance than the Doctor's appearance this day, and what he has said, need not have been brought.—In the year 1779 Lord Deerhurst knew Lady Worsley; she

she was very profligate, and no step was taken by Sir Richard to prevent her: he continued in the Isle of Wight ten days, and he has mentioned a conversation that passed between him and Sir Richard, which ought to be laid out of the case, because it seems to be ironical: "That many young men had tried her, without success; and that he might take his chance with her." But he says, once the Plaintiff found him in Lady Worsley's dressing-room at four o'clock in the morning; and he only says to him, "Deerhurst, how came you here?" And there is no further explanation or examination between them. Is it not extraordinary to find a Gentleman in his Lady's dressing-room at four o'clock in the morning, and nothing further said? All is well; they are all good company the next morning; and some few days afterwards Lady Worsley is going to Southampton. At the same time Sir Richard goes eight miles with her, and leaves Lord Deerhurst to go on with her to Southampton: he goes on with her to Southampton; he stays there twenty-four hours, and she stays three or four days:—*yet there is no appearance of jealousy in the Husband!!* This evidence deserves your consideration.

Another piece of evidence, is that of the Woman at the Bath at Maidstone; she swears, she *believes* it was impossible for Mr. Bissett to have got up the height of the balcony, to look into the Bath, unless he had stood upon Sir Richard's shoulders: but this is matter of belief;

lief; and they have called the Attorney, and you have heard his evidence: he went down there to take the Affidavits: he says he got up with a great deal of ease, and without assistance; that he got up first on an arm-chair which stood on the outside of the Bath, and then it was only four feet above him; so that, if he had not stood upon Sir Richard's shoulders, he might easily have pulled him down if he pleased; instead of which he only taps at the door, and says, SEYMOUR! SEYMOUR! *Bisset is looking at you.* And when she is dressed and comes out, she joins them, and they are all jolly and merry, and laughing, and go away together.

This is the evidence which they have given; and if upon that evidence you think the Husband was privy to, consenting, and encouraging this debauchery, he ought not to have your Verdict; but if you think he is intitled to your Verdict, then the only point for your consideration is, What Damages you will give.—You will consider of your Verdict, and give what Damages you think proper.

The Jury went out of court, and after debating near an hour, returned with a Verdict for the Plaintiff, giving him *only One shilling* Damages.

T H E E N D.

